20BU-CV04286

IN THE CIRCUIT COURT OF BUCHANAN COUNTY, MISSOURI

MARY MONTGOMERY,)	
3719 Penn Street)	
St. Joseph, MO64507)	
<u>-</u>)	
Plaintiff,)	Case No.
,)	Division
v.)	
)	
CITY OF SAINT JOSEPH,)	
MISSOURI,)	
Serve City Attorney)	
Bryan Carter)	
1100 Frederick Ave.)	
Room 307)	
St. Joseph, MO 64501)	
<u>-</u> .)	
Defendant.)	

PETITION

Plaintiff Mary Montgomery states as follows for her causes of action against Defendant City of Saint Joseph, Missouri.

- 1. Plaintiff Mary Montgomery is a female resident of Buchanan County, Missouri. She is 69 years old.
- 2. Defendant City of Saint Joseph, Missouri, is a municipal corporation organized under the laws of the state of Missouri, registered to do business in the state of Missouri and headquartered and transacting business in Buchanan County, Missouri, and may be served at the above address
- 3. This case arises under the Age Discrimination in Employment Act, 29 USC 621, et seq., making jurisdiction appropriate in this court.

- 4. Defendant subjected plaintiff to age discrimination during her employment by eliminating her position, transferring her, and thereafter terminating her employment in the new position shortly after she started.
- 5. At all times relevant to this action, Defendant have each employed15 or more employees and are therefore employers as defined in Title VII.
- 6. Defendant committed the tortious actions described herein in Buchanan County, Missouri, such that venue is proper in this court.
- 7. Plaintiff filed a charge of discrimination with the Equal Employment Opportunity Commission (EEOC) and the Missouri Commission on Human Rights (MCHR) against Defendants within 180 days of the unlawful employment practices complained of herein.
- 8. The EEOC issued a Notice of Right to Sue on her charge of discrimination against Defendants and this action is timely filed.
- 9. Plaintiff timely complied with all administrative prerequisites prior to filing this lawsuit.
- 10. Plaintiff was hired by Defendants in 2008. Plaintiff performed her job to the best of her ability and satisfactorily met the legitimate job expectations of defendant during her employment.

COUNT I -- AGE DISCRIMINATION

- 11. Plaintiff incorporates by reference the preceding paragraphs of this petition.
- 12. Plaintiff was subjected to unfair and unequal treatment because of her age, culminating her unlawful termination at age 68.
- 13. During her employment, plaintiff was subjected to repeated questions about her age, questions about her perceived ability to continue working and questions about her retirement date.
- 14. Defendant claimed to eliminate plaintiff's position in the spring of2019. But younger employees performed her duties thereafter.
- 15. Plaintiff was transferred to a new position, but was not given proper training or time to become completely learn the new role.
- 16. Plaintiff was unfairly criticized for her performance because of her age and was treated less favorably than similarly situated younger employees.
- 17. But for plaintiff's age, she would not have been subjected to these actions; in other words, plaintiff's age was a motivating factor in the harassment.
- 18. Upon information and belief, plaintiff's job duties were assumed by one or more younger employees after her termination.
 - 19. The stated reasons for the termination reason are pretextual; they

are not true and are not truly the motivating or determining or "but for" factors in the termination.

- 20. As a direct and proximate result of Defendant's unlawful employment practices described herein, Plaintiff sustained damages in the form of lost.
- 21. Defendant's conduct was willful because it knew age discrimination was against the law yet it engaged in intentional age discrimination.

WHEREFORE, Plaintiff Mary Montgomery prays for judgment against Defendant City of Saint Joseph, Missouri, lost salary, liquidated damages, attorney's fees and costs incurred herein, and for such other relief as the court deems just and proper including reinstatement or other equitable relief.

DEMAND FOR JURY TRIAL

Plaintiff demands a trial by jury on all issues so triable.

THORNBERRY BROWN, LLC

By: /s/Stephen C. Thornberry

Stephen C. Thornberry MO# 44354

steve@ThornberryBrown.com

Randall W. Brown MO# 43805

randy@ThornberryBrown.com 4550 Main Street, Suite 205 Kansas City, Missouri 64111 (816) 531-8383 telephone (816) 531-8385 facsimile

ATTORNEYS FOR PLAINTIFF



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IN THE 5TH JUDICIAL CIRCUIT, BUCHANAN COUNTY, MISSOURI

		11, 2001 / 11 / 11 000 Citt		
Judge or Division:		Case Number: 20BU-CV04286]	
KATE H SCHAEFER				
Plaintiff/Petitioner:		Plaintiff's/Petitioner's Attorney/Address	1	
MARY MONTGOMERY		STEPHEN C. THORNBERRY		
		4550 MAIN STREET STE 205		
	VS.	KANSAS CITY, MO 64111 Court Address:	-	
Defendant/Respondent:	2001IDI	BUCHANAN CO COURTHOUSE		
CITY OF ST JOSEPH, MIS	SOURI	411 JULES ST		
Nature of Suit: CC Other Tort		SAINT JOSEPH, MO 64501		
CC Other Tort		STATUS REVIEW HEARING DATE: 2-18-21		
		@ 9:00 AM, DIV 1	(Date File Stamp)	
	Sur	mmons in Civil Case		
The State of Missouri to:	CITY OF ST JOSEP	H, MISSOURI		
CONTRACTOR OF THE PROPERTY PRO	Alias:			
SERVE CITY ATTORNEY BRYA	N CARTER			
SAINT JOSEPH, MO 64501				
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COURTOR	copy of which is attached, and to serve a copy of your pleading upon the attorney for			
plaintiff/petitioner at the above address all within 30 days after receiving this summons, exclusive of the day of service. If you fail to file your pleading, judgment by default may				
(S) (X) (S)	be taken against you for the relief demanded in the petition.			
The court of the c		•		
BUCHANAN COUNTY	_ <i>Friday, Novembe</i> Date	er 20, 2020 /s/K. DOBOSZ, Dep Clerk	uty Clerk	
	Further Information:			
	Sh	eriff's or Server's Return		
_		rned to the court within 30 days after the date of issue.		
I certify that I have served	-			
		f the petition to the defendant/respondent. The petition at the dwelling place or usual abode of the c	Antondant/reenandent with	
		, a person of the defendant's/responde		
15 years who perman	ently resides with the def	fendant/respondent.	, ,	
(for service on a corpor	ation) delivering a copy of	of the summons and a copy of the complaint to:	(+;+l a.)	
		(name)	(uue).	
			•	
in	(County/City of	St. JOSEPH), MO, on (dat	e) at (time).	
Drive d Nove	of Sheriff or Server	Signature of Sh		

Total \$_____ A copy of the summons and a copy of the petition must be served on **each** defendant/respondent. For methods of service on all classes of suits, see Supreme Court Rule 54.

miles @ \$.____ per mile)



IN THE 5TH JUDICIAL CIRCUIT, BUCHANAN COUNTY, MISSOURI

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Judge or Division:	Case Number: 20BU-CV0	Case Number: 20BU-CV04286		
KATE H SCHAEFER	0400 1141115011 2020 010	Case Nulliber: 2000-0404200		
	Digintiff's/Datitionar's Attorn	ov/Addross		
Plaintiff/Petitioner:	STEPHEN C. THORNBERR	Plaintiff's/Petitioner's Attorney/Address STEPHEN C. THORNBERRY		
MARY MONTGOMERY	4550 MAIN STREET STE 2	205		
*	vs. KANSAS CITY, MO 64111	第四 · 三 · 1 · 1 · 1 · 1 · 1 · 1 · 1 · 1 · 1		
Defendant/Respondent:	Court Address:	DUSE 9: 22		
CITY OF ST JOSEPH, MISSOURI	BUCHANAN CO COURTHO	DUSE & N		
Nature of Suit:	411 JULES ST	22		
CC Other Tort	SAINT JOSEPH, MO 6450			
OG GUIGI TOIL	STATUS REVIEW HEARIN			
	@ 9:00 AM, DIV 1	RECETOR Date File Stamp)		
	Summons in Civil Case	e d 4,13¢		
The State of Missouri to: CITY O	F ST JOSEPH, MISSOURI	DEC 0 3 2020		
Alias:	,	0 0 2020		
SERVE CITY ATTORNEY BRYAN CARTER	l .	ВҮ:		
1100 FREDERICK AVE SAINT JOSEPH, MO 64501				
	e summoned to appear before this cour	rt and to file your pleading to the petition, a		
		y of your pleading upon the attorney for		
		hin 30 days after receiving this summons,		
		e your pleading, judgment by default may		
be take	en against you for the relief demanded i	n the petition.		
Fuid	ay, November 20, 2020	/- W DODOOT D		
BUCHANAN COUNTYFIIG	Date	/s/K. DOBOSZ, Deputy Clerk		
Further I	nformation:			
T didioi i	Sheriff's or Server's Return			
Note to serving officer: Summons should be returned to the court within 30 days after the date of issue.				
I certify that I have served the above summons by: (check one)				
	and a copy of the petition to the defendant/res			
leaving a copy of the summons and a copy of the petition at the dwelling place or usual abode of the defendant/respondent with				
45	es with the defendant/respondent.	defendant's/respondent's family over the age of		
		e complaint to:		
(title).				
other:				
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(Seal)	d and sworn to before me on	(date).		
	ssion expires:			
	Date	Notary Public		
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Total \$ HO	the notition must be seened as see to defect the	Jeannandont Formathada af agricultura		
A copy of the summons and a copy of classes of suits, see Supreme Court R	the petition must be served on each defendant/	rrespondent. For methods of service on all		